

43

Planning Commission Date: May 10, 2006

Item No.

## MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Dennis Carrington

Public Hearing: Yes: X No: \_\_\_\_\_

Notices Mailed On: 4/28/06

Published On: 4/27/06

Posted On: 4/28/06

**TITLE:** USE PERMIT NO. UP2006-7, D.R. HORTON "CENTRIA"  
SALES FACILITY

**Proposal:** A request for a temporary double-wide sales office trailer and associated site improvements, including a parking lot and landscaping for the D.R. Horton Centria multi-family project.

**Location:** Corner of Abel Street and the vacated Capitol Avenue

**APN:** 086-12-015, 016, 020

**RECOMMENDATION:** Approve with Conditions

**Applicant:** Mr. Dean Mills of D.R. Horton/Western Pacific Homes, 6658 Owens Drive, Pleasanton, CA 94588

**Property Owner:** D.R. Horton/Western Pacific Homes, 6658 Owens Drive, Pleasanton, CA 94588

**Previous Action(s):** Major Tentative Tract Map, Site and Architectural Review, Use Permit, General Plan Amendment and Rezoning

**Environmental Info:** Midtown EIR

**General Plan Designation:** Multi-Family Very High Density Residential

**Present Zoning:** Multi-Family Very High Density (R4-TOD-S), with a Transit Oriented Development and S-Zone overlay

**Existing Land Use:** Vacant land

**Agenda Sent To:** Applicant and owner as noted above

**Attachments:** Project plans, Resolution No. 3187

PJ#2451

## **BACKGROUND**

On May 11, 2005, the Planning commission approved Site and Architectural Review SZ2004-9 for a Fairfield Residential LLC 481 unit, two building project and approved Use Permit UP2005-3 to allow exceptions to the R4-TOD development standards. Fairfield Residential LLC has sold the project to D.R. Horton, which is proposing changes to reduce the number of units from 481 to 464 and to increase the number of stories of the West building from four to five. The changes are before the Planning Commission under separate permit No's SZ2006-4 and UP2006-5.

### **Site Description**

The project site is a large vacant parcel located between Abel and Main Streets and between the vacated Capitol Avenue and Great Mall Parkway. Existing land uses include the Great Mall of the Bay Area to the north, industrial uses to the east, commercial uses and a vacant lot to the south and the Pines residential development to the west.

## **THE APPLICATION**

This Use Permit application is submitted pursuant to Section 8.04-7 (Temporary tract offices in the R4 District) and Section 57.02-24 (Conditional Use Permits, temporary uses and building in undeveloped sections of the City) of the Milpitas Zoning Ordinance, which permits temporary uses up to 2 years in undeveloped sections of the City.

### **Project Description**

The applicant requests to construct a double wide temporary sales office trailer with an associated 11-space parking area and landscaping for the sales facility. The location of the proposed 2,880 square foot (48'x 60'), sales office trailer will be at the corner of Abel Street and Capitol Avenue. The structure would be temporary and contain a showroom, two offices, restroom and storage area. The trailer would be accessed by way of a wood entry deck with stairs and an ADA accessible ramp. The trailer is proposed at a height of 12 and comprised of a metal fascia and wood siding with windows and two French doors. In addition to the trailer, D.R. Horton is proposing to attach two 10' high by 15' wide digital vinyl advertising signs to the south and west corner building walls as shown on the attached plans. The trailer will be removed when the East building is complete (first phase to be constructed). At that time a permanent sales facility will be established within the building.

### **Conformance with the General Plan**

The project conforms to the General Plan in that the use directly relates to Implementing Policy 2.a-1-22 which encourages development of the Midtown area as an attractive and economically vital district that accommodates a mixture of housing within a system of landscaped boulevards, streets and pedestrian/bicycle linkages. The proposed project meets the intent of the Midtown Specific Plan and is part of the home selling process that will facilitate the creation of new homes within the Midtown area. In addition, the project relates to Implementing Policy 2.b-I-3 which provides housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations. The project is part of the larger housing development, which will add 464 new housing units to the city, thus, helping to provide to Milpitas' fair share to the region.

### **Conformance with the Zoning Ordinance**

The proposed project is located in the Multi-Family Very High Density Residential (R4-S-TOD) district. Part of this district's purpose is to "provide for higher-density residential "villages" structured around streets, open spaces, trails..." The project, while not directly a residential use, is occurring to support the forthcoming residential units planned for the site. Pursuant to section 7.04-9 of the zoning ordinance temporary uses such as tract sales offices following review and approval of a use permit by the Planning Commission are permitted.

### **ISSUES**

#### **Parking**

The Zoning Ordinance does not set forth any parking standards for temporary uses or model homes. Therefore, staff is recommending that 1 space be provided for each model home and 1 space for each employee. Based on the 1 model home and a maximum of 2 employees, a minimum of 3 parking spaces would be required. The project proposes to construct a parking lot adjacent to the sales office trailer that would contain 11 parking spaces, one of which would be handicap accessible. Staff concludes the 11 spaces in the parking lot would be adequate for the sales office and model homes.

#### **Conformance with CEQA**

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15304 ("Minor temporary use of land having negligible or no permanent effects on the environment") of the California Environmental Quality Act (CEQA) Guidelines.

#### **Neighborhood/Community Impact**

The proposed sales office use is not expected to have any impact on the neighborhood. The sales office building and associated site improvements are temporary in nature and is a common practice with the sales of any new large residential project. The facility will be located along a major roadway and is not located adjacent to any residences; therefore the facility will not have any impact on the neighborhood.

### **RECOMMENDATION**

Close the Public Hearing. Approve Use Permit No. P-UP2005-7 based on the Findings and Special Conditions of Approval listed below.

### **FINDINGS**

1. The proposed temporary sales office trailer and associated site improvements are consistent with the City of Milpitas Zoning Ordinance in terms of land use for Multi-Family Very High Residential zoning as it is a conditional use in the district and the General Plan Multi Family Very High Residential designation.

2. As conditioned, the use will not be detrimental or injurious to the public health, safety, and general welfare to the surrounding community because the use is temporary in nature and no significant impacts to parking, traffic, odor or noise are anticipated.
3. The proposed project is categorically exempt from CEQA pursuant to Section 15304(e) in that it is a minor temporary use of land having negligible or no permanent effects on the environment.

## **SPECIAL CONDITIONS**

### **Planning Division = (P)**

1. Use Permit No. UP2006-7 is for a temporary sales office and associated site improvements for the model home complex for the D.R. Horton Centria multi-family 464 unit development. (APN 86-12, 16 and 20), as depicted on approved plans dated March 13, 2006. This permit shall be valid for a period of up to two years. The temporary improvements shall be removed no later than May 10, 2008 and the permanent buildings and site improvements for the Centria project shall be installed. (P)
2. This temporary use permit for the temporary sales office and associated site improvement expires on May 10, 2008. Should any extension of this permit be necessary, an application shall be submitted to the Planning Division no later than February 10, 2008. (P)
3. Any modifications to the conditions of approval require Planning Commission approval of an amendment to this Use Permit and a public hearing. Minor changes, as per Section 42.10-2 of the Milpitas Zoning Ordinance, to approved plans may be approved by the Planning Division staff. (P)
4. Prior to issuance of occupancy, all site improvements indicated on the approved plans including but not limited to, parking lot, landscaping, sidewalks, streets and lighting, shall be installed and to the satisfaction of the Planning Division. (P)
5. Pursuant to Resolution No. 3187, the applicant shall prominently post a copy of the City's General Plan Map and have a copy of the General Plan available for public review in the sales office trailer. In addition, the applicant shall be required to refer to each purchaser of a home to the General Plan and Map and to the City Planning Division to answer any questions regarding the interpretation of the Plan or Map.
6. On-site temporary signage associated with the sales office and model homes shall be to the approval of the Planning Division staff under a separate permit. Once approved all temporary signage shall be removed upon the removal of the sales office and sale of the model homes. (P)
7. If at the time of application for building permit there is a project job account balance due to the City for recovery of fees, review of permits will not be initiated until the balance is paid in full. (P)
8. This use shall be conducted in compliance with all appropriate local, state, and federal laws and regulations and in conformance with the approved plans. (P)

**Fire Department = (F)**

1. Fire protection, including fire apparatus access roads and water supplies for fire protection (hydrants) shall be installed and made serviceable prior to and during the time of construction. CFC (California Fire Code) Section 901.3 (F)
2. Fire safety during construction shall meet the requirements of Article 87, CFC, and the Standards for Construction Site Fire Safety (un-024) by “unidocs” organization (<http://www.unidocs.org>). (F)
3. Fire apparatus access roads shall be provided for every facility, building or portion of a building when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. CFC Section 902.2. Fire apparatus access roads with dead-end conditions (length of 150’ or more) shall be provided with fire apparatus turn-around approved by the Milpitas Fire Department. (F)
4. None turning fire apparatus access roads shall meet or exceed the requirements of the California Fire Code, Milpitas Municipal Code and Guidelines for Fire Access by the Milpitas Fire Department. All fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. CFC Section 902.2.2 (F)
5. Turning radius for fire apparatus access roads shall be as approved by the Milpitas Fire Department. Provide a minimum net clearance of 48 feet 6 inches for the outside radius (minimum) and 28 feet 0 inches for the inside radius (maximum). The layout for the outside and the inside radius shall be from the same reference point. Permit submittal shall show and identify all fire apparatus access roads. CFC Section 902.2.2.3 (F)
6. Fire apparatus access roads shall be maintained clear and unobstructed. Permit submittal shall include a “signing and striping” plan to designate the location of signage and/or curb painting to identify such fire access roads and prohibit obstruction. CFC Section 901.4.2 (F)
7. Knox Box(s) shall be provided for Fire Department access. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. CFC Section 902.4 (F)
8. There is no approval for any hazardous materials under this review. (F)
9. On Site Fire Hydrants:  
An approved water supply capable of supplying the required fire flow for fire protection shall be provided. CFC Section 903. (F)

- No parking is permitted in front of fire hydrants. Hydrants located on street (public or private street) shall have an unobstructed clearance of not less than 30 feet per Vehicle Code 22513, California Fire Code Section 901.4.3. Fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking and other obstructions. CFC Section 901.4.3, 903.4.2

10. Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations Title 19, Division 1, and Chapters 1 and 3 and as required by the Milpitas Fire Chief. CFC Section 1002.1 (F)

**Building Department= (B)**

1. Trailer shall be accessible to people with disabilities as per Title 24. Accessible features shall include parking space, path of travel to accessible entrance, ramps, etc. (B)
2. All primary entrances and required exit doors shall be accessible to people with disabilities as per 2001 CBC, sec.1133B.1.1.1.1. Provide maneuvering clearances at entry door as per 2001 CBC, sec. 1133B.2.4.2. (B)
3. Trailer shall be State approved coach and provided with approved self-contained electrical power or be connected to an approved power source. (B)
4. Trailer shall be located a reasonable distance to a portable or permanent accessible bathroom facility or have interior accessible bathroom and hooked-up to an approved sanitary system. (B)

5

RESOLUTION NO. 3187

A RESOLUTION OF THE MILPITAS CITY COUNCIL  
DIRECTING THE MILPITAS PLANNING COMMISSION  
TO INCLUDE A REQUIREMENT OF POSTING OF  
THE ADOPTED GENERAL PLAN AT MODEL HOME SALES OFFICES

WHEREAS, the City Council is concerned that misinformation is being disseminated by unauthorized people in model home sales offices; and

WHEREAS, the City Council is interested that any new citizen of the community be made aware of the future plans of the physical growth of the City;

NOW, THEREFORE, BE IT RESOLVED that the Milpitas City Council directs the Milpitas Planning Commission to include as a Special Condition of Approval the requirement of posting for public review a copy of the City's adopted General Plan within the sales area of any model home sales office.

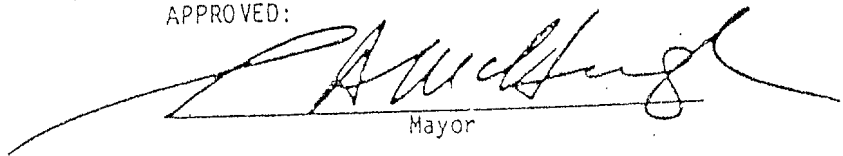
BE IT FURTHER RESOLVED that model home sales personnel be required to prominently post a copy of the General Plan for the City of Milpitas and to refer each purchaser of a home to said plan and refer said purchaser to the City Planning Department to answer any questions regarding interpretation of the Plan.

BE IT FURTHER RESOLVED that all existing model home complexes within the corporate boundaries of the City of Milpitas are officially requested to comply with the contents of this resolution.

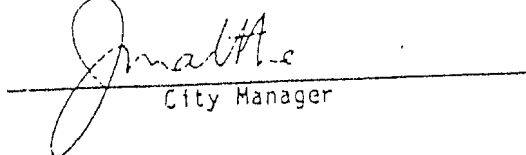
PASSED AND ADOPTED this 3rd day of April, 1979 by the following vote:

AYES:	COUNCILMEMBERS:	Bargabus, Livengood, Rodgers, McHugh
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Wach

APPROVED:

  
Mayor

ATTEST:

  
City Manager

43

# CENTRIA

GREAT MALL PARKWAY  
TRANSIT ORIENTED DEVELOPMENT

## TEMPORARY SALES OFFICE

### OWNER:

D. R. HORTON  
6658 OWEN DRIVE  
PLEASANTON, CA 94588  
(T) 925.226.2741  
(F) 925.737.1053  
CONTACT: DEAN MILLS, PROJECT MANAGER

### ARCHITECTS:

TOGAWA SMITH MARTIN RESIDENTIAL, INC.  
444 SOUTH FLOWER STREET  
SUITE 1220  
LOS ANGELES, CA 90071  
(T) 213.614.6011  
(F) 213.614.6051  
CONTACT: GARY GILBAR, AIA

### LANDSCAPE:

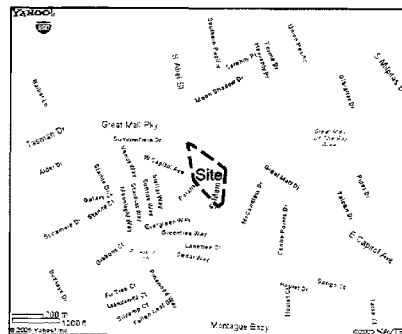
IMA DESIGN  
2500 MICHELSON DRIVE  
SUITE 125  
IRVINE, CA 92612  
(T) 949.250.0023  
(F) 949.250.0043  
CONTACT: JAMES KEENAN

### CIVIL ENGINEER:

CARLSON, BARBEE & GIBSON  
6111 BOLLINGER CANYON ROAD  
SUITE 158  
SAN RAMON, CA 94583  
(T) 925.866.0322  
(F) 925.866.8575  
CONTACT: JASON NERI



SIMILAR INSTALLATION - "THE ELAN" 2005 DUBLIN, CA  
THREE STATE-APPROVED MODULAR UNITS AS TEMPORARY SALES OFFICE



VICINITY MAP

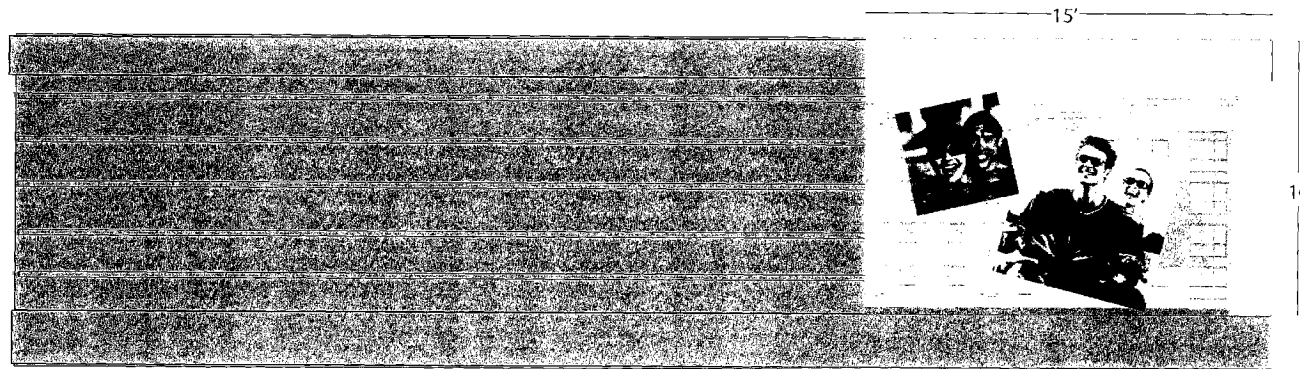
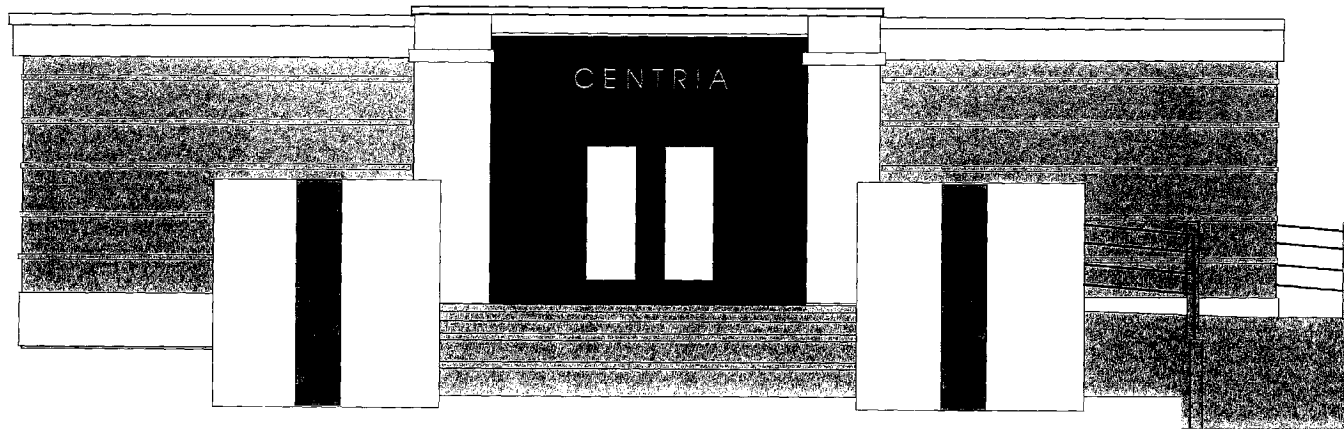
SOURCE: <http://maps.yahoo.com/maps/?set?addr=road+to+lake+lake+and+peninsula+crack&zoom=16&lat=37.95&lon=-122.05>



444 S Flower Street, Suite 1220  
Los Angeles, California 90071  
213.614.6050  
213.614.6051 fax  
[www.tsmrinc.com](http://www.tsmrinc.com)

SHEET 1 OF 3  
MARCH 30, 2006

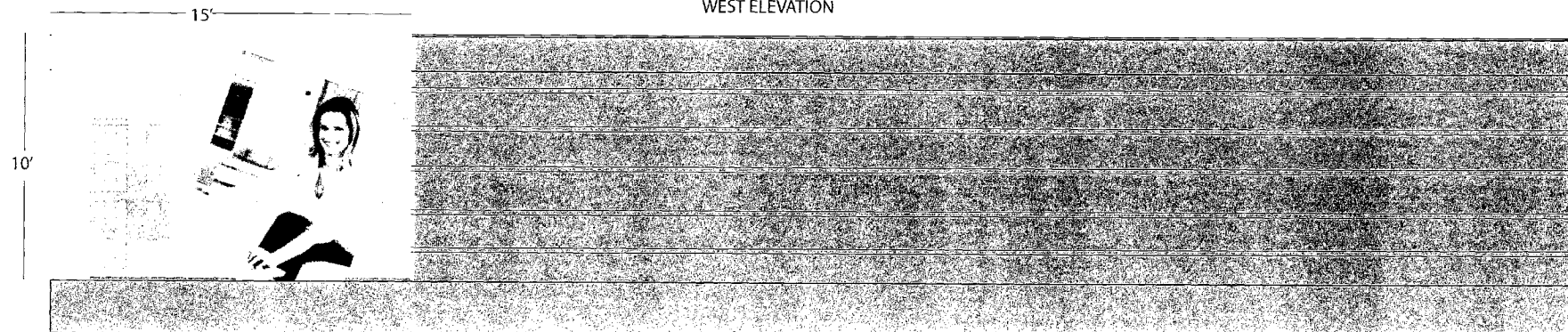




WEST ELEVATION

Digital vinyl print mounted to  
finished MDO panels.  
10' x 15'

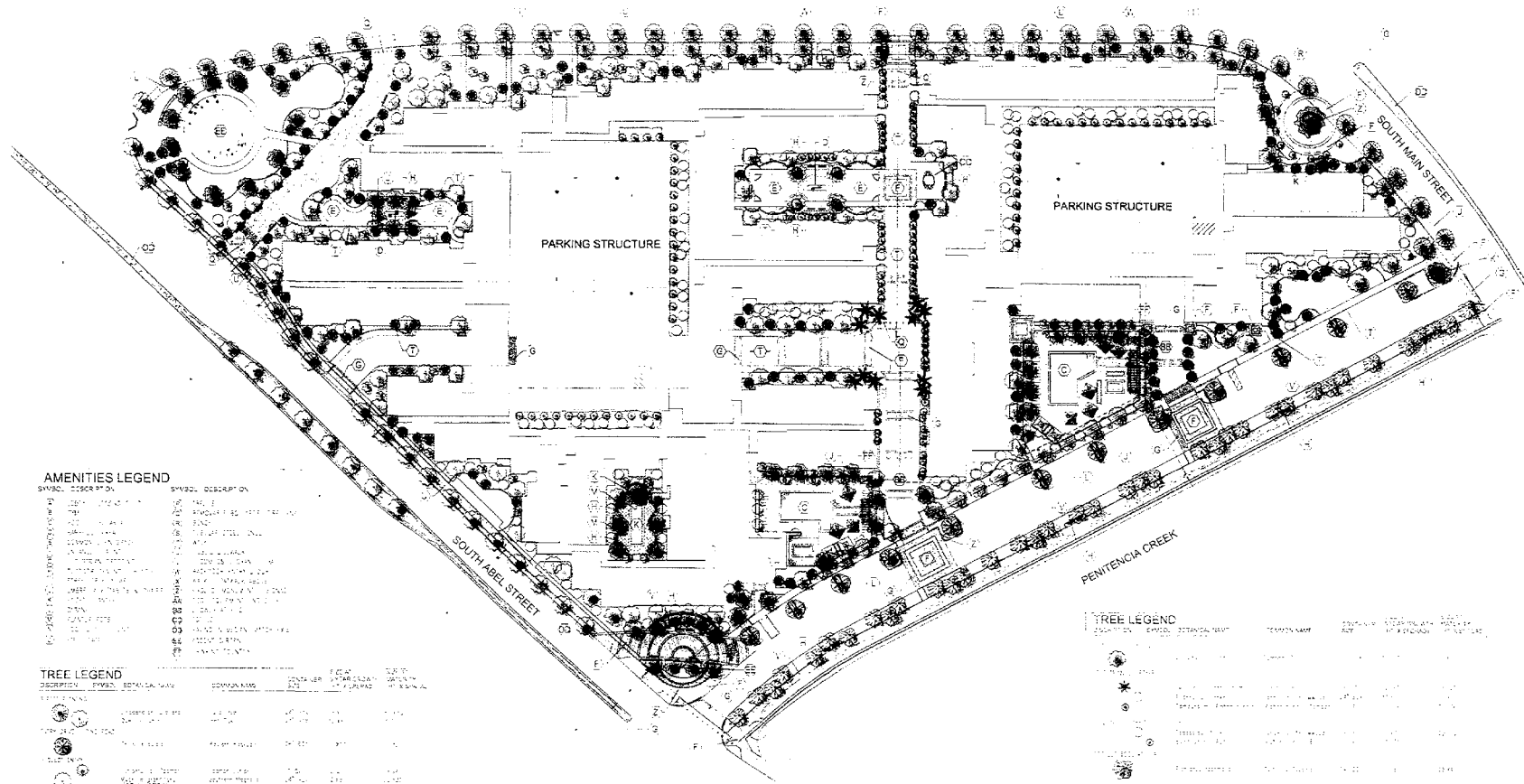
Digital vinyl print mounted to  
finished MDO panels.  
10' x 15'



SOUTH ELEVATION

EXISTING LIGHT RAIL LINE

GREAT MALL PARKWAY



#### AMENITIES LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1	1.00' DIA. CIRCLE	15	15.00' DIA. CIRCLE
2	2.00' DIA. CIRCLE	16	16.00' DIA. CIRCLE
3	3.00' DIA. CIRCLE	17	17.00' DIA. CIRCLE
4	4.00' DIA. CIRCLE	18	18.00' DIA. CIRCLE
5	5.00' DIA. CIRCLE	19	19.00' DIA. CIRCLE
6	6.00' DIA. CIRCLE	20	20.00' DIA. CIRCLE
7	7.00' DIA. CIRCLE	21	21.00' DIA. CIRCLE
8	8.00' DIA. CIRCLE	22	22.00' DIA. CIRCLE
9	9.00' DIA. CIRCLE	23	23.00' DIA. CIRCLE
10	10.00' DIA. CIRCLE	24	24.00' DIA. CIRCLE
11	11.00' DIA. CIRCLE	25	25.00' DIA. CIRCLE
12	12.00' DIA. CIRCLE	26	26.00' DIA. CIRCLE
13	13.00' DIA. CIRCLE	27	27.00' DIA. CIRCLE
14	14.00' DIA. CIRCLE	28	28.00' DIA. CIRCLE

#### TREE LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
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2	2.00' DIA. CIRCLE	16	16.00' DIA. CIRCLE
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## Site Plan Centria - Concept Design

Milpitas, CA

D.R. HORTON

#### ILLUSTRATIVE SITE PLAN

Apr 20 2005

ima  
design

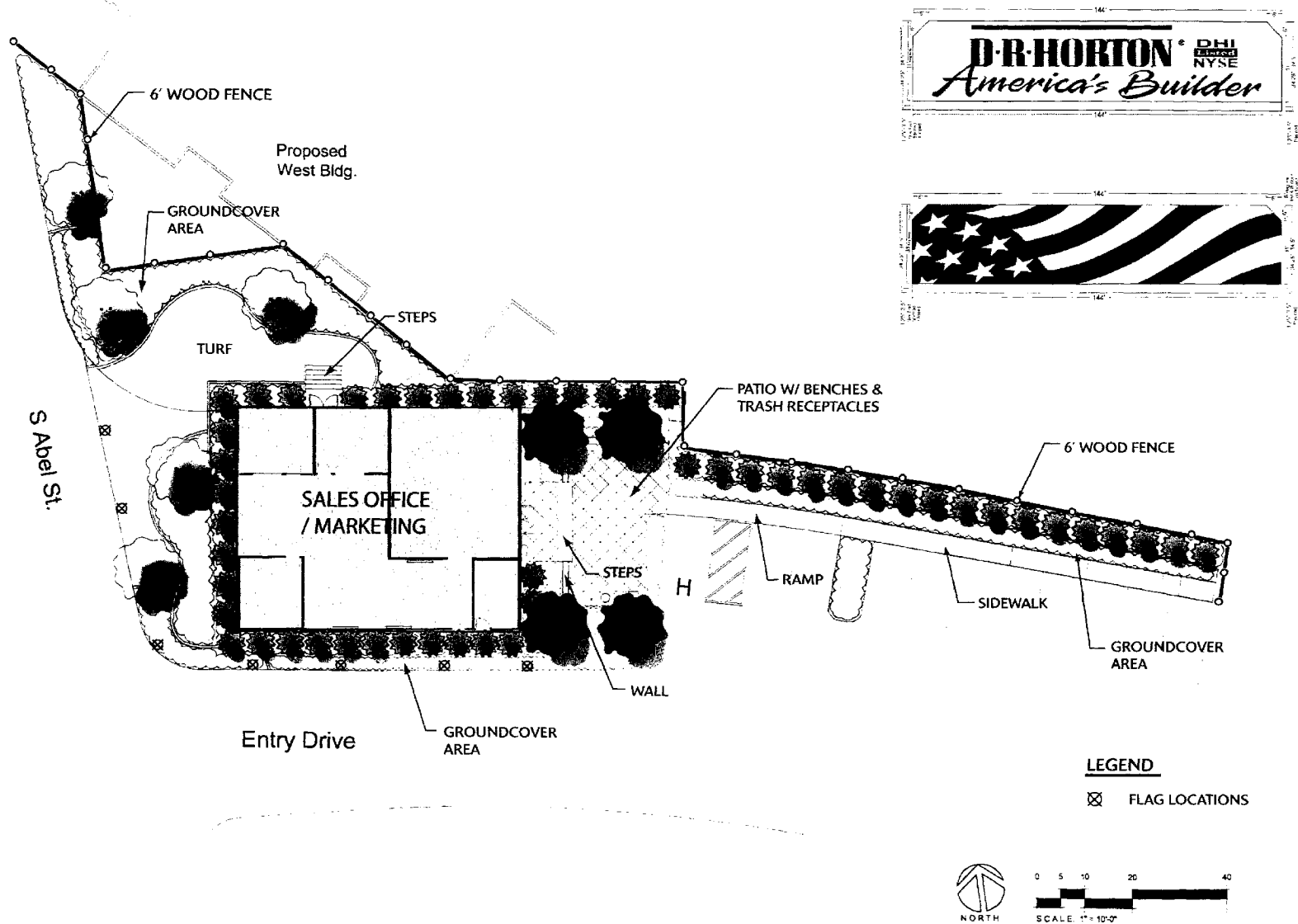
2" = 1' 0"  
20' 0" 10' 0" 5' 0"

cbg

ARCHITECTS

TOGAWA  
SMITH  
MARTIN  
RESIDENTIAL, INC.

444 S Flower Street - Suite 1220  
Los Angeles, California 90071  
213.614.8050  
213.614.8051 fax  
www.tsmrinc.com



DR Horton

February 16, 2006

# **Centria - Sales Office (Site Illustrative)** Transit Oriented Development

*ima* design

2500 michelson dr  
suite 125  
irvine ca 92612  
949.250.0023  
949.250.0043 f

**cbg**

RES. DESIGN, INC.  
1000 S. Orange Ave., Suite 200  
Orange, CA 92667  
(714) 952-1100  
FAX (714) 952-1101